

MATTHEW JONES,)
)
Plaintiff,)
)
v.) No. 3:23-CV-00435-JRG-JEM
)
PIGEON FORGE POLICE DEPARTMENT,)
)
Defendant.)

This matter is before the Court on United States Magistrate Judge Jill E. McCook's Order and Report and Recommendation [Doc. 7] and Plaintiff Matthew Jones' Objections [Doc. 8]. For the reasons herein, the Court will overrule Mr. Jones' objections.

In the report and recommendation, Judge McCook summarizes Mr. Jones' allegations as follows:

Plaintiff sustained “major losses of blood in all of the rapes[,]” and in order to resurrect him from the dead, “a 250[-]year[-]old tree needed to be converted into medicine as well as the plants that only grow around them” [*Id.* ¶ 4]. He references various statutes, causes of action, doctrines, and the United States Constitution

throughout his Complaint [*Id.* ¶¶ 5–16]. Plaintiff alleges that Defendant acted negligently, violated his First and Eighth Amendment rights, violated 42 U.S.C. § 1983, and committed assault and battery [*Id.* ¶ 17]. He seeks \$125,000 in compensatory damages, plus the costs of this action [*Id.* p. 11].

[R&R at 3–4].

Under 28 U.S.C. § 1915(e)(2)(B)(i) and (ii), Judge McCook recommends the Court dismiss with prejudice Mr. Jones’ claims under § 1983, as well as his supplemental state-law claims, because they are frivolous, are not cognizable claims, and are barred by the applicable statutes of limitations. [*Id.* at 4–7]. Mr. Jones now objects to Judge McCook’s recommendation of dismissal.

II. LEGAL STANDARD

When reviewing a magistrate judge’s recommendation on a dispositive issue, the Court conducts a de novo review of that recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(3). A magistrate judge’s recommendation of dismissal under § 1915(e)(2)(B)(i) and (ii) is dispositive in nature. *See Davis v. Prison Health Servs.*, 679 F.3d 433, 437 (6th Cir. 2012) (stating that “[t]he dismissal standard under [§ 1915(e)(2)] is the same standard that this court uses to evaluate dismissals under Federal Rule of Civil Procedure 12(b)(6)”). A de novo review requires the Court “to give fresh consideration” to the issues before it. *United States v. Raddatz*, 447 U.S. 667, 675 (1980) (quotation omitted). In doing so, the Court reaches “the ultimate determination of the matter” through its own judicial discretion. *Id.* at 675–66. After its review, it “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1).

III. ANALYSIS

The Court agrees with Judge McCook’s conclusion that Mr. Jones’ complaint requires dismissal with prejudice. Mr. Jones acknowledges he is mentally ill, “hav[ing] been diagnosed

and medicated for schizophrenia,” [Pl.’s Objs. at 10], and his objections to Judge McCook’s report and recommendation consist of a jumble of inane statements that pick up where his complaint left off. He claims, for instance, that “[e]veryone in the U.S.A. who the police have contacted have been anally raped and, as a result, we all have false teeth,” “[t]he police type have no teeth or tooth type,” “[t]he rainbow of races of the United States are not dead,” “I have had more than 1000 heart attacks,” “[e]ach country [on the world map] was drawn in memory of their skin disease,” “President Clinton and Vice President Gore were killed many times while visiting Delaware,” and “I was killed by the police.” [*Id.* at 1, 2, 6, 10, 11]. Mr. Jones’ objections, like the allegations in his complaint, lack any foundation in law or reality.

His objections [Doc. 8] are therefore **OVERRULED**, and the Court **ACCEPTS IN WHOLE** Judge McCook’s report and recommendation under 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). For the reasons in the report and recommendation, and for the reasons in this memorandum opinion, Mr. Jones’ complaint is hereby **DISMISSED with prejudice**. The Clerk of Court is **DIRECTED** to close this case.

So ordered.

ENTER:

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE